

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:16-cr-00214-TWP-TAB
	)	
IRENE WOODS,	)	-01
	)	
Defendant.	)	

**Order Directing Filing of Notices Concerning Exhaustion of Administrative Remedies**

Defendant Irene Woods ("Woods") filed a *pro se* motion that the Court construed as a Motion for Compassionate Release pursuant to the First Step Act of 2018. Dkt. 53. The Court appointed counsel to represent Defendant, dkt. 54, and counsel has now appeared, dkt. 55.

Requests for compassionate release are governed by 18 U.S.C. § 3582(c)(1)(A)(i). That section prevents a court from modifying a sentence until "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." This Court has held that the exhaustion requirement is not jurisdictional and can be waived by the government but that the Court cannot waive it over the government's objection. *See United States v. Cox*, No. 4:18-cr-17-TWP-VTW-1, 2020 WL 1923220, at \*3 (S.D. Ind. Apr. 21, 2020); *United States v. Jackson*, No. 2:15-cr-00013-JMS-CMM-1, Dkt. 137 (S.D. Ind. Apr. 28, 2020). Defendant's motion does not address whether she has exhausted her administrative remedies.

Accordingly, within 7 days of date of this Order, Woods' counsel shall file a notice stating whether Woods has exhausted her administrative remedies as required by §3582(c)(1)(A). If she has not, Woods' counsel shall state the status of any efforts to exhaust. If Woods is not

seeking relief under § 3582(c)(1)(A)—but rather another section of the First Step Act that does not require exhaustion—Woods' counsel shall so state. Within 7 days after Woods' counsel files this notice, the United States shall file a notice stating whether it will waive the exhaustion requirement in this case.

**IT IS SO ORDERED.**

Date: 5/19/2020

A handwritten signature in black ink, reading "Tanya Walton Pratt", written over a horizontal line.

TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

All Electronically Registered Counsel